

REMARKS

Applicant has reviewed the Office Action of 20 May 2003 and offers the following remarks thereto.

Initially, claim 2 is amended to add the term "component" as suggested in the Office Action to distinguish it from the general "interworking agent" of claim 1. No new matter is added, and the scope of claim 2 has not changed. Applicant requests withdrawal of the rejection of claim 2 at this time.

Claims 3, 10, 12-16, 18, 19, 22, 25, and 33 are amended to make consistent the use of "a" versus "the" and correct a few typographical errors. No new matter is added.

Claims 1, 2, 8, 9, 11, 20, and 21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Civanlar et al. Applicant respectfully traverses. For an anticipation rejection to be proper, the Patent Office must show where each and every element of the claim is found in the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. In the present case, the Patent Office has not shown where a claim element is located in the reference, and thus, the claims are not anticipated.

Claim 1 recites protocol agents for a first IP telephony protocol and a second IP telephony protocol. The interworking agent provides functions for the protocol agents. In contrast, Civanlar et al. shows a system that translates between an IP network, a PSTN network, and an ATM network. Only the IP network uses an IP telephony protocol. The Patent Office opines that interface 311 is the first protocol agent and communicates with the user station 300. The Patent Office then identifies interface 312 as the second protocol agent that communicates with gateway 120. This interpretation is incorrect. Gateway 120 is identified as being identical to gateway 100 (see col. 8, lines 27-28), which is described with respect to Figure 4. Specifically, gateway 120 would include interface 312 and not communicate with the interface 312. Further, even if interface 312 is an appropriate second protocol agent, interface 312 does not communicate with a second IP telephony device, because, as clearly indicated on Figure 4, interface 312 is an interface for the telephony network 52 (see also, col. 4, lines 38-39), which is differentiated from the internet network 53. Thus, the protocol that interface 312 uses is not an IP telephony protocol.

Still further, signal format adaptation 104, which is identified as the interworking agent, does not translate between different IP telephony protocols. The reference discusses translating

between telephony, ATM, and IP telephony protocols, but does not discuss translating between two different IP telephony protocols.

Since the reference does not show translation between two different IP telephony protocols, the reference does not anticipate claim 1.

Claims 2, 8, and 9 depend from claim 1 and are not anticipated at least for the same reasons that claim 1 is not anticipated.

Claim 11 also recites that there are multiple IP telephony protocols. The first and third are explicitly identified as IP telephony protocols and the preamble identifies a plurality of different IP telephony protocols. As explained above, Civanlar et al. does not teach the recited plurality of IP telephony protocols and cannot anticipate the claim for this reason.

Claim 20 depends from claim 11 and is not anticipated at least for the same reasons that claim 11 is not anticipated.

Claim 21, as amended, recites that the second protocol is an IP telephony protocol. As explained above, Civanlar et al. does not teach the recited plurality of IP telephony protocols and cannot anticipate the claim for this reason.

Claims 27-29 were rejected under 35 U.S.C. § 103 as being unpatentable over Civanlar et al. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every claim element is taught or suggested within the reference or combination of references. MPEP § 2143.03. If the Patent Office cannot show this, then Applicant need not come forward with evidence of non-obviousness.

In the present case, as explained above, Civanlar et al. does not teach or suggest translating between IP telephony protocols. Claim 27 recites first and second IP telephony protocols. Since the reference does not teach or suggest these claim elements, the reference does not render the claim obvious.

Claims 28 and 29 depend from claim 27 and are patentable at least for the same reasons.

Claims 3-7, 12-15 and 30-33 were rejected under 35 U.S.C. § 103 as being unpatentable over Civanlar et al. in view of Huitema et al. Applicant respectfully traverses. The standard for obviousness is set forth above.

As explained above, Civanlar et al. does not teach the recited plurality of IP telephony protocols. Huitema et al. teaches multiple IP telephony protocols, but actually teaches away from any translation between them. See, for example, page 52, right hand column, lines 15-20,

which states that there are no efforts to have a call-agent to call-agent interface and that such an interface is not required because IP networks will not communicate with one another, but rather will communicate through the PSTN. Even if Huitema et al. does suggest that an IP telephony protocol translator is desirable, the reference provides no teaching or suggestion for how such a translation could be effectuated. Since neither reference teaches or suggests the translation between first and second IP telephony protocols, the combination of references cannot teach or suggest the claim element. Since the combination of references does not teach or suggest the claim element, the Patent Office has not established *prima facie* obviousness.

Claims 3-7 depend from claim 1 which recites the claim element at issue. Claims 12-15 depend from claim 11 which recites the claim element at issue. Claims 30-33 depend from claim 27 which recites the claim element at issue. Thus, each of these claims has the claim element and is not rendered obvious by the rejection of record.

Applicant appreciates the indication of allowable subject matter in claims 10, 16-19 and 22-26, but does not see the need to rely on those elements for patentability at this time. Applicant requests reconsideration of the rejections in light of the arguments presented herein and earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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